

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**PRETERM-CLEVELAND, INC.,** : **Case No. 1:19-cv-118**

**et al.,** :

:

**Plaintiffs,** : **Judge Michael Barrett**

:

**vs.** : **PLAINTIFFS' NOTICE IN**

: **RESPONSE TO DEFENDANT**

**LANCE HIMES, et al.,** : **COUNTY PROSECUTOR'S**

: **NOTICE (Docs. 21 and 24).**

**Defendants.** :

Plaintiffs give notice to correct a statement the Defendant County Prosecutors made in their Notice and Amended Notice (Docs. 21 and 24). Defendants stated Plaintiffs waived attorney fees against the Defendant County Prosecutors. (Doc. 21, PageID # 235; Doc. 24 PageID # 242). During the informal conference on February 15, 2019, a question arose whether Plaintiffs would seek fees against the Defendant County Prosecutors if Plaintiffs were to prevail on their constitutional challenge to the Act. In response, Ms. Branch, on behalf of Plaintiffs, stated that if Plaintiffs were to prevail in their challenge to the constitutionality of the Act, and if the defendant county prosecutors were to take no action to defend the constitutionality of the Act, then Plaintiffs would not seek attorney fees from the Defendant County Prosecutors.

Respectfully submitted,

MELISSA COHEN (*pro hac vice pending*)  
PLANNED PARENTHOOD FEDERATION OF AMERICA  
123 William Street, Floor 9  
New York, NY 10038  
(212) 541-7800  
(212) 247-6811 (fax)

By /s/ Jennifer Branch  
JENNIFER BRANCH (OHIO BAR. NO. 0038893)  
*Trial Attorney for Plaintiffs*  
Alphonse A. Gerhardstein (OHIO BAR. NO.  
0032053)  
*Attorney for Plaintiffs*  
GERHARDSTEIN & BRANCH CO. LPA  
441 Vine Street, Suite 3400

RICHARD MUNIZ (*pro hac vice pending*)  
PLANNED PARENTHOOD FEDERATION OF AMERICA  
1110 Vermont Ave NW, Suite 300  
Washington, DC 20005  
(202) 973-4800  
(202) 296-3480 (fax)

*Counsel for Plaintiffs Planned Parenthood  
Southwest Ohio Region, Planned  
Parenthood of Greater Ohio, Dr. Sharon Liner*

Cincinnati, OH 42502  
(513) 621-9100  
(513) 345-5543 (fax)

*Counsel for Plaintiffs Planned Parenthood  
Southwest Ohio Region, Planned Parenthood of  
Greater Ohio, Sharon Liner, M.D., Women's Med  
Group Professional Corporation*

ALAN E. SCHOENFELD (*pro hac vice pending*)  
MARGARET ARTZ  
LAURA BAKST  
WILMER CUTLER PICKERING HALE AND DORR LLP  
7 World Trade Center  
250 Greenwich Street  
New York, New York 10007  
(212) 230-8800

JENNY PELAEZ  
WILMER CUTLER PICKERING HALE AND DORR LLP  
350 South Grand Avenue, Suite 1200  
Los Angeles, CA 90071  
(213) 443-5300

ALLYSON SLATER  
WILMER CUTLER PICKERING HALE AND DORR LLP  
60 State Street  
Boston, MA 02109  
(617) 526-6000

SARA SCHAUMBURG  
WILMER CUTLER PICKERING HALE AND DORR LLP  
1875 Pennsylvania Avenue NW  
Washington, DC 20006  
(202) 663-6000

*Counsel for Plaintiffs Planned Parenthood  
Southwest Ohio Region, Planned Parenthood of  
Greater Ohio, Sharon Liner, M.D.*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 15, 2019 a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing pleading and the Notice of Electronic Filing has been served by ordinary U.S. mail and email upon all parties for whom counsel has not yet entered an appearance electronically.

/s/Jennifer L. Branch  
Attorney for Plaintiffs